

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LARRY TIES, and LORETTA A. TIES,)

Plaintiffs,)

V.)

ALAN BRIAN STRAIN, doing business)
as STRAIN ENTERPRISES,)

Defendant and)

Third-Party Plaintiff,)

V.)

SAHLING KENWORTH, INC.,)

Third-Party Defendant.)

4:09CV3172

AMENDED PROGRESSION
ORDER

- 1) The unopposed motion to continue filed by Third-Party Defendant, Sahling Kenworth, Inc., (filing no. [33](#)), is granted.
- 2) The final progression order, as amended, is as follows:
 - a. A jury trial is set to commence on January 24, 2011. No more than five days are allocated to the trial of this case and counsel shall plan accordingly. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one.
 - b. The pretrial conference will be held before the undersigned magistrate judge on January 6, 2011 at 9:00 a.m. One hour is allocated to this conference. Counsel shall email a draft pretrial conference order to zwart@ned.uscourts.gov, in either MS Word or WordPerfect format, by 5:00 p.m. on January 5, 2011, and the draft order shall conform to the requirements of the local rules.
 - c. Mandatory disclosures or supplemental mandatory disclosures, whichever is applicable, shall be served on or before April 8, 2010.

- d. The deadlines for disclosure of experts and, unless otherwise agreed, the deadlines for the provision of expert reports are:

By the plaintiff and third party plaintiff:	July 19, 2010
By the defendant and third party defendant:	August 18, 2010
Rebuttal expert(s):	September 3, 2010

- e. The discovery and deposition deadline is September 17, 2010. Motions to compel discovery must be filed at least 15 days prior to the discovery and deposition deadline.
- f. The deadline for filing motions to dismiss, motions for summary judgment or motions to exclude expert testimony on *Daubert* and related grounds is October 1, 2010.
- g. Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.

DATED this 26th day of March, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge